

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at BALTIMORE**

IN RE:

DANIEL CHRISTOPHER
CARDUCCI,

Debtor

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Case No. 16-26868Chapter 13

CHAPTER 13 PLAN

☒ **Original Plan** ☐ **Amended Plan** ☐ **Modified Plan**

The Debtor proposes the following Chapter 13 plan and makes the following declarations:

1. The future earnings of the Debtor are submitted to the supervision and control of the Trustee, and Debtor will pay as follows (select only one):
 - a. \$ _____ per month for a term of _____ months. OR
 - b. \$ 10.00 per month for 6 month(s),
 \$ 305.00 per month for 54 month(s),
 \$ _____ per month for _____ month(s), for a
 total term of _____ months. OR
 - c. \$ _____ per month prior to confirmation of this plan, and \$ _____
 per month after confirmation of this plan, for a total term of _____ months (if this
 option is selected, complete 2.e.i).
2. From the payments received, the Trustee will make the disbursements in the order described below:
 - a. Allowed unsecured claims for domestic support obligations and trustee commissions.
 - b. Administrative claims under 11 U.S.C. § 507(a)(2), including attorney's fee balance of \$ _____ (unless allowed for a different amount by an order of the Court).
 - c. Claims payable under 11 U.S.C. § 1326(b)(3). Specify the monthly payment:
 \$ _____.
 - d. Other priority claims defined by 11 U.S.C. § 507(a)(3)-(10). The Debtor anticipates the following priority claims:
 Internal Revenue Service
 Comptroller of Maryland
 - e. Concurrent with payments on non-administrative priority claims, the Trustee will pay secured creditors as follows:

- i. Until the plan is confirmed, adequate protection payments and/or personal property lease payments on the following claims will be paid directly by the Debtor; and, after confirmation of the plan, the claims will be treated as specified in 2.e.ii and 2.e.iii, below (designate the amount of the monthly payment to be made by the Debtor prior to confirmation, and provide the redacted account number (last 4 digits only), if any, used by the claimant to identify the claim):

<u>Claimant</u>	<u>Redacted Acct. No.</u>	<u>Monthly Payment</u>
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- ii. Pre-petition arrears on the following claims will be paid through equal monthly amounts under the plan while the Debtor maintains post-petition payments directly (designate the amount of anticipated arrears, and the amount of the monthly payment for arrears to be made under the plan):

<u>Claimant</u>	<u>Anticipated Arrears</u>	<u>Monthly Payment</u>	<u>No. of Mos.</u>
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- iii. The following secured claims will be paid in full, as allowed, at the designated interest rates through equal monthly amounts under the plan:

<u>Claimant</u>	<u>Amount</u>	<u>% Rate</u>	<u>Monthly Payment</u>	<u>No. of Mos.:</u>
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- iv. The following secured claims will be satisfied through surrender of the collateral securing the claims (describe the collateral); any allowed claims for deficiencies will be paid pro rata with general unsecured creditors; upon confirmation of the plan, the automatic stay is lifted, if not modified earlier, as to the collateral of the listed creditors:

- v. The following secured claims are not affected by this plan and will be paid outside of the plan directly by the Debtor:
Wells Home Mortgage-Debtor plans to modify his mortgage loan.

- vi. If any secured claim not described in the previous paragraphs is filed and not disallowed, that claim shall be paid or otherwise dealt with outside the plan directly by the Debtor, and it will not be discharged upon completion of the plan.

- vii. In the event that the trustee is holding funds in excess of those needed to make the payments specified in the Plan for any month, the trustee may pay secured

claims listed in paragraphs 2.e.ii and 2.e.iii in amounts larger than those specified in such paragraphs.

- f. After payment of priority and secured claims, the balance of funds will be paid pro rata on allowed general, unsecured claims. (If there is more than one class of unsecured claims, describe each class.)

3. The amount of each claim to be paid under the plan will be established by the creditor's proof of claim or superseding Court order. The Debtor anticipates filing the following motion(s) to value a claim or avoid a lien. (Indicate the asserted value of the secured claim for any motion to value collateral.):

4. Payments made by the Chapter 13 trustee on account of arrearages on pre-petition secured claims may be applied only to the portion of the claim pertaining to pre-petition arrears, so that upon completion of all payments due under the Plan, the loan will be deemed current through the date of the filing of this case. For the purposes of the imposition of default interest and post-petition charges, the loan shall be deemed current as of the filing of this case.

5. Secured Creditors holding claims subject to cramdown will retain their liens until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or discharge under § 1328; and if the case is dismissed or converted without completion of the plan, the lien shall also be retained by such holders to the extent recognized under applicable nonbankruptcy law.

6. The following executory contracts and/or unexpired leases are assumed (or rejected, so indicate); any unexpired lease with respect to personal property that has not previously been assumed during the case, and is not assumed in the plan, is deemed rejected and the stay of §§ 362 and/or 1301 is automatically terminated:

7. Title to the Debtor's property shall revert in the Debtor when the Debtor is granted a discharge pursuant to 11 U.S.C. §1328, or upon dismissal of the case, or upon closing of the case.

8. Non-standard Provisions:

The Debtor(s) shall provide the Trustee with copies of State and Federal tax returns for the years designated below within 15 days of filing the returns (and shall timely file the returns on or before April 15 of each year due). No later than June 1st of each year, the Debtor(s) shall pay into the plan the full amount of her income tax refund received (the amount already pro-rated on Schedule I, if any) for each of the designated years. The tax refund payments will be in addition to, not a credit against, the monthly payments required to be paid under the plan.

The Debtor(s) shall not make any change to the amount of annual tax withholdings under the W-4 statement(s) existing as of the date of the petition without 30 days prior notice to the Trustee. This commitment covers tax years: 2016, 2017, 2018, 2019, and 2020.

02/08/2017
Date

/s/Daniel Christopher Carducci
Debtor

/s/Sari Karson Kurland
Attorney for Debtor

Joint Debtor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that I served the above Chapter 13 Plan by electronic and/or by certified mail return receipt, or by first class mail, postage prepaid, this 8th day of February, 2017 to the following person(s):

Nancy Spencer Grigsby
Chapter 13 Trustee
185 Admiral Cochran Drive
Suite 240
Annapolis, MD 21401

ALL CREDITORS ON THE ATTACHED MAILING MATRIX

/s/ Sari Karson Kurland
Sari Karson Kurland

Label Matrix for local noticing
0416-1
Case 16-26868
District of Maryland
Baltimore
Tue Jan 10 15:40:12 EST 2017

BWW Law Group, LLC
6003 Executive Blvd. #101
Rockville, MD 20852-3813

Barclay's Bank Delaware
PO Box 8801
Wilmington, DE 19899-8801

(p)CAPITAL ONE
PO BOX 30285
SALT LAKE CITY UT 84130-0285

Cecil County Treasurer
200 Chesapeake Blvd., Suite 1100
Elkton, MD 21921-6652

Comptroller of the Treasury
Compliance Division, Room 409
301 W. Preston Street
Baltimore, MD 21201-2305

Comptroller of the Treasury
Compliance Division, Room 409
301 W. Preston Street
Baltimore, Maryland 21201-2305

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

Lending Club Corporation
71 Stevenson Place 300
San Francisco, CA 94105-2985

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Shell/CBNA
PO Box 6497
Sioux Falls, SD 57117-6497

State of Maryland DLLR
Division of Unemployment Insurance
1100 N. Eutaw Street, Room 401
Baltimore, MD 21201-2225

Synchrony Bank/BP
PO Box 965015
Orlando, FL 32896-5015

THD/CBNA
PO Box 6497
Sioux Falls, SD 57117-6497

Wells Fargo Home Mortgage
PO Box 10335
Des Moines, IA 50306-0335

Daniel Christopher Carducci
2027 Hopewell Road
Port Deposit, MD 21904-1440

Nancy Spencer Grigsby
185 Admiral Cochrane Dr.
Suite 240
Annapolis, MD 21401-7623

Sari Karson Kurland
The Kurland Law Group
211 Jersey Lane
Rockville, MD 20850-7759

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Capital One Bank USA
PO Box 85015
Richmond, VA 23285-5075

Internal Revenue Service
Centralized Insolvency Operation
PO Box 21126
Philadelphia, Pennsylvania 19114-0326

Portfolio Recovery Associates
PO Box 12903
Norfolk, VA 23541

End of Label Matrix
Mailable recipients 17
Bypassed recipients 0
Total 17